

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

FEDERAL HOME LOAN)	
MORTGAGE CORPORATION)	
Plaintiff,)	
V.)	CIVIL ACTION FILE
WILLIAM KANTZ or)	
Or current Occupants.)	NO. _____
Defendants.)	

**NOTICE OF REMOVAL OF CIVIL ACTION FROM GENERAL SESSIONS COURT
OF DAVIDSON COUNTY, TENNESSEE**

COME NOW, William Kantz, Defendant in the above styled civil action, and file this Notice of Removal, pursuant to 28 U.S.C. §§ 1331, 1441, 1446, and 12 U.S.C. § 1452(f), and hereby remove this action to the United States District Court for the Middle District of Tennessee, Nashville Division. Defendants state the following grounds in support of removal:

1. On August 17, 2015, the Plaintiff, Federal Home Loan Mortgage Corporation, (the "Plaintiff") filed a Detainer Warrant (the "Complaint") against the Defendant in the General Sessions Court of Davidson County, Nashville, Tennessee. This case is styled as *Federal Home Loan Mortgage Corporation v William Kants et al.* and was given Case No. 15GT6524, (the "Civil Action"). True and accurate copies of all pleadings filed to date in the Civil Action have been filed and are located at [Doc. 1-1].

2. The Defendants William Kantz was served on or about August 24, 2015,

3. The removal is timely under 28 U.S.C. § 1446(b).

4. The United States District Court for the Middle District of Tennessee, Nashville Division, embraces Davidson County, Tennessee. Removal to this Court is therefore proper under 28 U.S.C. § 1441(a).

5. This Notice of Removal is being filed in accordance with 28 U.S.C. § 1446 and Fed. R. Civ. P. 81(c). In compliance with 28 U.S.C. § 1446(d), Defendant has already filed a copy of this Notice of Removal with the Clerk of the General Sessions Court of Davidson County, Tennessee. A true and accurate copy of the Notice filed with the Clerk of the Circuit Court of Davidson County, Tennessee has been filed and is located at [Doc. 1-2].

6. Counsel for Defendant hereby certifies that this Notice of Removal is signed pursuant to Fed. R. Civ. P. 11.

FEDERAL QUESTION JURISDICTION

7. The basis for this removal and federal court jurisdiction is that this Court possesses federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the Civil Action raises issues and claims under the laws of the United States. The Plaintiff alleges a counter-claims arising under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692.

8. In addition to claims under the Fair Debt Collection Practices Act, Federal Home Loan Mortgage Corporation is a named defendant. 12 U.S.C. § 1452(f) provides that any action by or against Freddie Mac “shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such actions, without regard to amount or value.”

9. This Court has supplemental jurisdiction over Defendant’s state law claims pursuant to 28 U.S.C. §§ 1367(a), 1441(a). Any civil action of which the Courts have original jurisdiction based on a federal question, may add state law claims if said claims arise out of the same “case or controversy” as those claims governed by laws of the United States, allowing them to be removed as supplementary claims. *Davet v. City of Cleveland*, 456 F.3d 549, 553 (6th Cir. 2006). The Defendant’s claims –under both state and federal law – all revolve the foreclosure

sale of the Property. Thus, the Defendant's state law claims arise out of the same "case or controversy" as his federal law claim and this Court possesses supplemental jurisdiction over the state law claims.

10. Venue is proper in this Court for purposes of removal under 28 U.S.C. § 1441(a), but not necessarily for purposes of 28 U.S.C. § 1391 or any other applicable venue provision. By filing this Notice of Removal, the Defendant does not waive any of its jurisdictional objections or affirmative defenses.

WHEREFORE, Defendant prays that this Civil Action proceed in this Court as an action properly removed, and that no further proceedings be had in said case in the General Sessions Court of Davidson County, Tennessee.

Respectfully submitted this 26th day of August, 2015.

____/S/ JIM ROBERTS_____
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Certificate of Service

I certify that a copy of this notice has been sent to the Defendant Federal Home Loan Mortgage Corporation c/o Wilson & Associates, 1521 Merrill Drive, Suite D-220, Little Rock, Arkansas 72211 on this the 26th day of August, 2015.

____/S/ JIM ROBERTS_____
Jim Roberts